

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

KATHRYN GIBSON,

Plaintiffs,

v.

HOOVER TRANSPORTATION  
SERVICES, INC. and MARION  
ALPHONSE JAMES,

Defendants.

Case No.: 1:22-cv-0026

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**NOTICE OF REMOVAL OF CIVIL ACTION  
PURSUANT TO 28 U.S.C. § 1441**

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TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT  
COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA:

The Defendants, Hoover Transportation Services, Inc. and Marion Alphonse James, file this timely Notice of Removal of Civil Action Number 21 CVS 2821 from the Superior Court of Cabarrus County, North Carolina to the United States District Court for the Middle District of North Carolina, pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(a) and respectfully show unto the Court as follows:

1. The Defendants, Hoover Transportation Services, Inc. and Marion Alphonse James, are the Defendants in a civil action pending in the Superior Court of

Cabarrus County, North Carolina captioned: *Kathryn Gibson v. Hoover Transportation Services, Inc. and Marion Alphonse James*; Civil Case No. 21 CVS 2821.

2. Copies of all process, pleadings and Orders served on these Defendants are attached hereto as Exhibit 1.

3. This action was commenced by the Plaintiff, Kathryn Gibson, on August 17, 2021 by the filing of a Complaint in the Superior Court of Cabarrus County, North Carolina.

4. The Defendant, Hoover Transportation Services, Inc., was served on or about February 16, 2022.

5. The Defendant, Hoover Transportation Services, Inc., is an Ohio corporation with its principal place of business in the State of Ohio.

6. The Defendant, Marion Alphonse James, was served on or about February 17, 2022.

7. The Defendant, Marion Alphonse James is a citizen and resident of South Carolina.

8. The Plaintiff, Kathryn Gibson, is a citizen and resident of Cabarrus County, North Carolina.

9. This cause of action arose in Anson County, North Carolina.

10. Accordingly, the controversy in this civil action is wholly between citizens of different states.

11. These Defendants are informed and believe that the damages sought by the Plaintiff exceed the Statutory amount of \$75,000 as required by 28 U.S.C. § 1332(a) exclusive of interest and costs.

12. This Notice of Removal is being filed by these Defendants within thirty (30) days following service of the Complaint.

13. This civil action is one of which the District Court of the United States has original jurisdiction pursuant to 28 U.S.C. § 1331 and is one that may be removed to this Court pursuant to 28 U.S.C. § 1441 and 1446, *et seq.*

**WHEREFORE**, the Defendants, Hoover Transportation Services, Inc. and Marion Alphonse James, respectfully pray that the above captioned action now pending against them bearing civil action number 21 CVS 2821 in the Superior Court of Cabarrus County, North Carolina proceed in this Court as an action properly removed thereto.

This the 16<sup>th</sup> day of March, 2022.

/s/ James G. Welsh, Jr.  
N.C. State Bar No. 24597  
/s/ Ann C. Rowe  
N.C. State Bar No. 26686  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on March 16, 2022, I electronically filed on behalf of the Defendants, Hoover Transportation Services, Inc. and Marion Alphonse James, the foregoing **Notice of Removal of Civil Action Pursuant to 28 U.S.C. § 1441** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following persons. Further, this certifies that I electronically served the following persons:

#### ADDRESSEE:

**Via E-mail: luke@ltbaker.com**

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*Attorney for Plaintiff*

This the 16<sup>th</sup> day of March, 2022.

/s/ Ann C. Rowe  
N.C. State Bar No. 26686  
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